

## **JUDGE'S PROCEDURAL RULES AND POLICIES**

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

### **HEARING PROCEDURES**

**1. What is the first event and what will occur?**

Virtual first hearing: Discussion of pending petitions and how the parties will proceed. Mandatory trial schedule will be provided. Mandatory mediation program will be discussed.

**a. List any documents required at the first event:**

Controlling document(s), supersedeas exhibits if applicable.

**b. Should documents be uploaded as Exhibits or Letters to the Judge?**

Exhibits.

**2. Describe the format of your hearings (e.g., serial, one day – one trial).**

Serial: first hearing, interim hearing, final hearing with testimony of the Claimant expected.

**3. Are you willing to change the hearing format upon request?**

Not without good cause shown.

**4. What factors will you consider in deciding whether to conduct a hearing in-person?**

All non-testimony hearings will be conducted virtually including C&R hearings. At the present time, all testimony hearings will be scheduled virtually by default. A request for an in-person hearing or an objection to a virtual hearing for testimony must be made on the record at the interim hearing.

**5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video?**

As a rule, all virtual hearings are by video. If a party/attorney is only able to call in/use audio, and opposing counsel has no objection, the hearing will generally proceed.

**6. What procedure do you follow if a party fails to appear at a hearing?**

A record is made. Opposing counsel will be asked to contact the attorney or party regarding the events of the hearing. If the party fails to appear at the next hearing and/or provide adequate excuse for failure to appear, the Judge will entertain an appropriate motion from the opposing party.

**7. Do you have special procedures for psychological injury cases?**

No.

## SUPERSEDEAS PROCEDURES

### 1. What are your procedures for supersedeas hearings?

Upload supersedeas evidence and controlling documents prior to hearing.

**a. Will testimony be heard?**

No.

**b. Is additional time generally granted to obtain medical evidence?**

If requested.

**c. Under what circumstances will you reconsider a supersedeas order?**

New evidence/good cause.

**d. Do you generally use written orders for denials?**

Yes, unless no indemnity is being paid.

**e. What is required for employee's counsel to obtain interim fee approval?**

Upload fee agreement, affidavit of client, and a WCAIS request.

**f. Describe any other procedures for supersedeas hearings:**

None

**g. Describe procedures for special supersedeas hearings, if different:**

N/A

## WITNESSES/EXHIBITS

### 1. What are your rules regarding taking testimony?

For claim, review and reinstatement petitions by the claimant, the claimant should testify by deposition within 30 days of first hearing. The claimant may testify by way of update at a virtual final hearing. For employer petitions, the claimant may testify for discovery purposes in 30 days of first hearing and will testify at a virtual final hearing. Fact witnesses should testify by deposition or at a virtual hearing upon timely request.

### 2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

See above No. 1

### 3. Under what circumstances will you change your requirements for presentation of testimony?

For good cause shown and within the Judge's discretion.

### 4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require? 60 days.

### 5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

Generally, whoever filed the first petition goes first.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?**

The parties should upload as exhibits the controlling Bureau and WCOA documents prior to the first hearing.

**7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Exhibits should be uploaded prior to the hearing at which they will be submitted as evidence. If before, how far in advance of the hearing must they be uploaded? At least 24 hours**

**Format for uploaded exhibits:** When uploading exhibits, please note that the exhibit name should be the name of the document, i.e., “Dr. Smith’s deposition” or “Notification of Suspension.” The exhibit name should NOT contain the name of the case, dispute number or exhibit number and should not be an abbreviation.

**8. When will you rule on objections to exhibits?**

At the hearing during which they are identified.

**9. What is your procedure for handling discovery disputes?**

Counsel should make a WCAIS request attaching a letter outlining the dispute and their position. The opposing counsel should upload a response in letter form. A ruling will be made at a virtual hearing or by interlocutory order.

**10. What is the last day to file written preservations of deposition objections?**

The preservation of objections should be uploaded as an exhibit at least 24 hours prior to the final hearing.

**COMPROMISE & RELEASES (C&Rs)**

**1. Describe your procedures regarding the review of C&R Agreements:**

At least 24 hours prior to the hearing, the parties should upload an unredacted fully executed C&R agreement including the fee agreement, child support documentation and authorization for alternative delivery (if applicable) (hereinafter “C&R Packet”) as well as a redacted version of the C&R Packet. If the redacted and unredacted C&R Packet is not filed within 24 hours of the hearing, the hearing will be canceled at the Judge’s discretion.

**a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?**

If the existing petition(s) are being resolved by the C&R Agreement, the petitions will be amended at the hearing. If the existing petition(s) are not being resolved by the C&R, a Petition to Seek Approval of the Compromise and Release Agreement must be filed.

**b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?**

At least 24 hours prior to the hearing, the parties should upload an unredacted fully executed C&R agreement including the fee agreement, child support documentation and authorization for alternative delivery (if applicable) as well as a redacted version of the C&R Packet.

**c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**

Yes. At least 24 hours prior to the hearing, the parties should upload an unredacted fully executed C&R agreement including the fee agreement, child support documentation and authorization for alternative delivery (if applicable) as well as a redacted version of the C&R Packet.

**d. Should child support documents be uploaded as a separate exhibit?**

No. See 1(c).

**e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**

An unredacted and redacted version of the C&R Packet must be uploaded at least 24 hours prior to the hearing. See 1(c).

**f. Will you sign bench orders?**

No.

**g. Describe any other procedures you have for C&R Agreements:**

n/a

**STIPULATIONS RESOLVING DISPUTES**

**1. What are your usual procedures regarding the submission, review, and adoption of stipulations?**

Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and Fee Agreement (where applicable) should be attached to the uploaded exhibit. If the child support documentation is applicable, the social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

**2. Should the fee agreement be part of the stipulation or separate exhibit?**

The fee agreement should be part of the stipulation. Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and fee agreement (where applicable) should be attached to the uploaded exhibit. If the child support documentation is applicable, the social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

**3. Should child support documents be uploaded as a separate exhibit?**

No. Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and fee agreement should be attached to the uploaded exhibit. The social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

**4. What other exhibits should be uploaded (i.e. medical bills, etc.)?**

n/a

**5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?**

n/a

**6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?**

Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and fee agreement should be attached to the uploaded exhibit. The social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

**7. Describe any other procedures you have for stipulations:**

n/a

**BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?**

A final hearing is required absent good cause shown and this Judge's discretion.

**2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?**

A briefing schedule is set at the final hearing. Post-hearing submissions are discussed at the final hearing and time requirements are set. Post-hearing submissions (other than briefs) that are not raised at the final hearing will not be considered. Any request for extension of the briefing schedule must be made prior to the expiration of the briefing schedule. The position of opposing counsel must be noted in the extension request. Parties who do not file a timely brief or timely request an extension for filing their brief risk a decision being issued without the benefit of that party's brief.

**3. Describe any preferences regarding the format and content of final submissions:**

For format and content of briefs, see WCJ Rules 131.101 (h). The statement of facts/summary of the evidence must reference page numbers. The summary of evidence should NOT contain argument. For preservation of objections made during deposition, please see WCJ Rules 131.66(b). Preservation of objections must be submitted at the final hearing. Evidence submitted with the brief that was not discussed at the final hearing will not be admitted into evidence or considered.

**MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:**

Virtual mandatory mediations using TEAMS will be conducted for Philadelphia cases.

**2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?**

Mediation will be conducted virtually using TEAMS. For the foreseeable future, no in-person mediations will be conducted.

**3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?**

Upon good cause shown and within the Judge's discretion.

**4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?**

See number 2.

**5. Do you require a Mediation Statement? YES If yes:**

**a. What information do you require in that Statement?**

The Statement should be one page containing the case name, your name and the party you represent, Claimant's age, date of hire, date of injury, date last worked, job title, assigned judge, aww and compensation rate, status of litigation, status of settlement discussion, outstanding medical bills, outstanding litigation costs, if applicable, unemployment compensation information, status of third-party lien or other liens, status of SSD/Medicare, merits and weaknesses of your case:

**b. What documents, if any, must accompany the Statement?**

None.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

At least 24 hours.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? No If so, how long until it is rescheduled?** The mediation will be cancelled, and the parties can request a voluntary mediation when they are ready.

**7. Are you willing to conduct more than one mandatory mediation session per Dispute?**

Yes.

**8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

At least 24 hours in advance.

**9. What else should the parties know or do before the mediation?**

Contact each other to discuss the mediation prior to the mediation. Review resignation requirement, outstanding medical benefits including dollar amount, and litigation costs including dollar amount.

**VOLUNTARY MEDIATIONS**

**1. Do you conduct Voluntary Mediations?**

Yes.

**2. How should the parties request a Voluntary Mediation?**

Email the Judge for a timeslot and then make a WCAIS request for the agreed upon timeslot.

**3. List the locations where you conduct in-person voluntary mediations:**

For the foreseeable future, all mediations will be conducted virtually using TEAMS.

**4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?**

Yes. All districts.

**5. Do you mediate Disputes assigned to you for hearing and decision?**

No.

**6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:**

No.

**7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**

Mediation will be conducted virtually using TEAMS.

**8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?**

Good cause shown and no objection by opposing counsel.

**9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?**

Not applicable.

**10. Do you require a Mediation Statement? Yes. Please see information under Mandatory Mediations above. If yes:**

**a. What information do you require in that Statement?**

Same as for mandatory mediations.

**b. What documents, if any, must accompany the Statement?**

None.

**c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?**

Same as for mandatory mediations. At least 24 hours.

**11. After you approve a Voluntary Mediation Request, how long until it is scheduled?**

72 hours.

**12. Are you willing to conduct more than one voluntary mediation session per Dispute?**

Yes.

**13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?**

The mediating Judge.

**14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?**

Please provide as much notice as possible.

**15. What else should the parties know or do before the mediation?**

Contact each other to discuss the mediation prior to the mediation. Review resignation requirement, outstanding medical benefits including dollar amount, and litigation costs including dollar amount.

**REQUESTS/MISCELLANEOUS**

**1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?**

A request to continue a hearing should be uploaded into WCAIS within two days of the hearing. The request to continue a hearing must provide the status of the litigation to date, the reason the continuance is requested, the amount of time being requested, and the position of opposing counsel. An extension to the Mandatory Trial Schedule should be requested by letter and as a WCAIS request as soon as the need for the extension becomes apparent. The request should include why the extension is necessary, the status of the evidence to date including specific deposition dates, the amount of time being requested including the date of any deposition scheduled beyond the current trial schedule, and the position of opposing counsel with respect to the request.

**2. Under what circumstances do you conduct off the record conference calls?**

Upon good cause shown and within the Judge's discretion.

**3. Under what conditions/circumstances do you accept e-mails from parties?**

For voluntary mediation requests or for emergencies.

**4. Do you adhere strictly to the duration listed for a Hearing or Mediation?**

Yes to a hearing and no to a mediation.

**5. What is the best way to contact you in an emergency situation?**

Email.

**6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?**

As a rule, virtual events will be held regardless of snow-related office closings. In-person events will be cancelled and rescheduled. Emergency cancellation of events will be by email, phone contact, and/or WCAIS. Information regarding emergency and snow cancellation is usually available on WCAIS or the Philadelphia Bar Association website under the Workers Compensation Section.